

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PHYLLIS YACHIMSKI,  
Plaintiff

V.

PRUDENTIAL INSURANCE COMPANY  
OF AMERICA & VISTING NURSE  
ASSOCIATION OF BOSTON, INC.  
GROUP LONG TERM DISABILITY PLAN,

Defendants

CIVIL ACTION NO. 11858-RCL

**JOINT MOTION TO POSTPONE SCHEDULING CONFERENCE**

The parties to the above-referenced action hereby move this Court to postpone the Scheduling Conference originally scheduled for December 15, 2004, for one month. As grounds for this Motion, the parties state as follows:

- 1) The parties are currently engaged in good faith settlement negotiations, which if successful, will eliminate the need for further action by this Court;
- 2) Defendant's counsel is currently experiencing a major medical emergency with a member of her immediate family and postponement of the conference would allow her to focus her time on the resolution of this matter rather than moving forward with litigation; and
- 3) The extension of time will not prejudice either party, but rather will permit the parties to expend time on settlement of this matter.

WHEREFORE, the parties respectfully requests that this Motion be granted.

Respectfully submitted,

The Plaintiff,  
Phyllis Yachinski

By Her Attorneys,

/s/ Mala M. Rafik  
Mala M. Rafik  
BBO No. 428940  
Rosenfeld & Rafik, P.C.  
44 School Street, Suite 410  
Boston, MA. 02108  
(617) 723-7470

Dated: December 3, 2004

The Defendant,  
The Prudential Ins. Co. of America

By its Attorneys,

/s/ Carey L. Bertrand  
Carey L. Bertrand  
BBO No. 650496  
Wilson, Elser, Moskowitz, Edelman  
Decker, LLP.  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300